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10 *Attorneys for Plaintiffs Sunny*
11 *Khachatryan, Tatevik Khachatryan, B.A.J.*
12 *and I.M.*

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 SUNNY KHACHATRYAN, an
individual; TATEVIK
16 KHACHATRYAN, an individual;
B.A.J. a minor; and I.M., a minor,

17 Plaintiffs,

18 vs.
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20 1 HOTEL WEST HOLLYWOOD,
21 Defendant.
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CASE NO. 2:23-cv-10829-ODW-E

**DECLARATION OF TYLER R.
DOWDALL IN SUPPORT OF
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT
TO ADD PRAYER FOR PUNITIVE
DAMAGES PURSUANT TO CIVIL
CODE SECTION 3344**

Date: Monday, November 25, 2024
Time: 1:30 p.m.
Location.: First Street Courthouse
350 W. 1st Street
Los Angeles, CA. 90012
Courtroom 5D, 5th Floor

*Honorable District Judge Otis D.
Wright II*
Hon. Magistrate Judge Charles V. Eick

DATE FILED: December 27, 2023
TRIAL DATE: April 29, 2025

DECLARATION OF TYLER R. DOWDALL

I, Tyler R. Dowdall, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am partner in the law firm of Tarter Krinsky & Drogin LLP, attorneys of record for Plaintiffs Sunny Khachatryan (“S. Khachatryan”), Tatevik Khachatryan (“T. Khachatryan”), B.A.J., an minor (“B.A.J.”), and I.M., a minor (“I.M”, collectively with S. Khachatryan, T. Khachatryan, and B.A.J., known as the “Plaintiffs”). I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. Attached hereto as Exhibit 1 is a “clean” version of the proposed Second Amended Complaint. The proposed Second Amended Complaint makes minor revisions and corrections, including adding the date that Defendant’s infringement commenced. The primary purpose behind the amendment is to specifically itemize the types of damages that Plaintiffs are entitled to claim pursuant to Civil Code section 3344. Upon receiving Plaintiff’s Amended Rule 26 Disclosures, which itemize Plaintiff’s damages under Civil Code section 3344, Defendant protested that it was unaware Plaintiffs were seeking all damages available by statute, including punitive damages, and demanded that Plaintiffs withdraw their disclosures. To avoid further confusion on the part of Defendant as to the type of damages that are available and that Plaintiffs will be seeking, the proposed Second Amended Complaint was prepared to specifically itemize the available damages, which is done in paragraph 67.

3. Attached hereto as Exhibit 2 is a “strikethrough” side-by-side comparison draft of the proposed Second Amended Complaint and First Amended Complaint (ECF 47).

4. Attached as Exhibit 3 is the email correspondence between Defendant’s counsel and myself dated October 18, 2024, regarding a meet and confer attempt for

1 parties to stipulate to allow Plaintiffs to file a Second Amended Complaint.
2 Defendant's counsel responded to my meet and confer attempt by objecting to
3 Plaintiffs' proposed filing of a Second Amended Complaint and informed me
4 Defendant will oppose Plaintiffs' Motion to Amend.
5

6 I declare under penalty of perjury under the law of the United States of America
7 that the foregoing is true and correct.

8 Executed October 24, 2024, at Los Angeles, California.
9

10 /s/ Tyler R. Dowdall
11 Tyler R. Dowdall
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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2024, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

Dated: October 25, 2024

/s/ Tyler R. Dowdall

Tyler R. Dowdall

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